



May 18, 2006

Mr. Robert Schneider, Chair
The California Regional Water Quality Control Board, Central Valley Region
11020 Sun Center Drive, # 200
Rancho Cordova, California 95670-6114

Attn: William Croyle
c.c.: Wendy Cohen

Re: Proposed Resolution, Order NO. R5-2006-____ for Individual Discharger Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands

Dear Mr. Schneider,

This letter is submitted in behalf of South San Joaquin Irrigation District (SSJID) for comments on the **Proposed Resolution, Order NO. R5-2005-____ for Individual Discharger Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands**. At the outset, SSJID notes that by commenting on the proposed Resolution, it is not conceding that the Regional Board may regulate SSJID for the discharge of waste to its canals from an individual discharger that is incidental to irrigation and which SSJID is required to allow under the California Water Code, or for operational spills, as in neither case is SSJID discharging waste to waters of the State.

We would like to acknowledge that the Central Valley Regional Water Quality Control Board has shortened it's name & title to the Central Valley Water Board.

Order

In the Order item 19, page 3 states: Pursuant to the basin Plans and State Water Board plans and policies, including State Water Board Resolution No. 88-63, and consistent with the federal Clean Water Act, the existing and potential beneficial uses of waters in the Central Valley Region include one or more of the following:

A list of Beneficial uses from 'a' to 'u' should clarify that these beneficial uses are not found in every waterway. It is important that anyone reading this Order understand the importance of having only one beneficial use. SSJID would like to remind the Central Valley Water Board that within our system of over 300 miles of lateral canals, pipelines and drainage channels there is only one beneficial use and that is irrigation water (B. Agricultural Supply).

In the Order item 41, page 9; This item should also acknowledge the fact that there are parcels within the

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Central Valley Water Board that will never have runoff, and never discharge wastes to surface waters of the State. The numbers of parcels that fall into this category are far more than the Central Valley Water Board would like to admit. Within the last thirty years the advancement of Agricultural practices in irrigation methods have developed to give us; sprinkler, drip, and micro-sprinklers that save millions of gallons of irrigation water each year. Flood irrigation methods have become more efficient with laser leveling of the fields, crop planting patterns, and crop rotation to name a few.

Tentative Attachment A to the Order, page 2, Definition 2, states: Discharger – The owner and/or operator of irrigated lands that discharge or have the potential to discharge waste that could directly or indirectly reach surface waters of the State.

SSJID acknowledges this definition and it should be noted that Irrigation Districts are not "Dischargers".

Tentative Attachment A to the Order, page 2, Definition 3, states: Discharges of waste from irrigated lands – Surface dischargers, such as irrigation return flows, tail water, operational spills. Drainage water, sub-surface drainage generated by irrigation crop land or by installing and operating drainage systems to lower the water table below irrigated lands (tile drains), storm water runoff flowing from irrigated lands, and/or storm water conveyed in channels or canals resulting from the discharge from irrigated lands.

SSJID acknowledges that this definition applies to the landowner or operator of the irrigated land. The Tributary Rule may determine that channels or canals are waters of the State. Irrigation Districts may be the owners of those channels or canals used for delivering surface water to cropland just as the creeks and rivers belong to the State of California or the Federal Government.

Tentative Attachment A to the Order, page 3, Definition 9, states: Operational spill – Irrigation water that is delivered from a source such as a river, but is discharged without being delivered to or used on an individual field.

SSJID acknowledges this definition as it applies to the Tributary Rule and waters of the State. With respect to this definition an "operational spill" is not a "discharge of waste".

Tentative Attachment A to the Order, page 2, Definition 16. Water District – California law defines water district. For the purposes of the Conditional Waiver, a water district is any district or political subdivision, other than a city or county, a primary function of which is the irrigation, reclamation, or drainage of land or the diversion, storage, management, or distribution of water

(Water Code Section 20200) Such Districts include, but are not limited to, irrigation districts, county water districts, California water districts,, and water agencies. Water districts may be a discharger if the water district accepts or receives discharges from irrigated lands, and discharges or threatens to discharge irrigation return flows, tailwater, **operational spills**, drainage water, subsurface drainage generated by irrigating crop lands (tile drains) and/or stormwater runoff flowing from irrigated lands to waters of the State.

SSJID contends that "operational spills" as defined in **Definition 9** are waters of the State and should not be included in reference to discharges of waste. Further, as waters of the State, any discharge into Irrigation facilities (waters of the State) would be the responsibility of the land owner or operator as stated previously

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in this Order. And as further clarification we can look at: **"Tentative Attachment A to the Order, page 4, Definition 17. Waters of the State - As defined in Water Code Section 13050. Any surface water or groundwater, including saline waters, within the boundaries of the State. The Conditional Waiver regulates discharges of waste from irrigated lands to surface waters."**

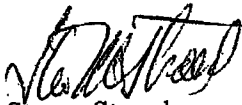
SSJID has been working with the San Joaquin County & Delta Water Quality Coalition to encourage participation by all of our irrigation customers in the Coalition. In the Water District definition the statement *"Water districts may be a discharger if the water district accepts or receives discharges from irrigated lands"* is not considering (in SSJID) that the dischargers from the irrigated lands are members of the San Joaquin County & Delta Water Quality Coalition with their own Conditional Waiver of Waste Discharge Requirements from Discharges from Irrigated Lands having their own MRP, and MRPP.

SSJID concedes that this may not be the same with all Water Districts, but due consideration should be made for those Irrigation Districts that fall within the sphere of a coalition group. To require SSJID to monitor the discharges from irrigated lands that are already being monitored by the Coalition Group is a waste of monies, time, and energy.

Tentative Attachment B of this Order, Tasks, Page 5: There is no mention of current NOI's that are on file with Resolution No.R5-2003-0105. Will new NOI's be required?

Thank you for this opportunity to comment on behalf of South San Joaquin Irrigation District. Should you have any questions please contact Jim Atherstone, Environmental Compliance & Safety Officer for the District at (209) 993-7971.

Sincerely yours,



Stevan Stroud

General Manager

South San Joaquin Irrigation District